IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CRIMINAL APPEAL NO. 561 OF 1992.

The State of Maharashtra ..Appellant.

vs.

1. Baban Vinayak Supekar.
2. Vinayak Bapu Supekar
3. Sau.Sarubai Vinayak Supekar ..Respondents.

Shri A.S. Shitole, A.P.P. for the State.
Shri V.G. Peshave for respondents.

CORAM: V.M.KANADE,J.
DATED: 14-1-2005.

ORAL JUDGMENT:

1. Heard learned A.P.P. for the State and the learned Counsel appearing on behalf of the respondents.

2. The State has filed this appeal challenging the judgment and order passed by the trial Court dated 30.4.1992 whereby the respondents were acquitted of the offences punishable under sections 409-A, 504 and 506 read with section 34 of the Indian Penal Code.

3. The learned Counsel appearing on behalf of the respondents has filed an affidavit, duly sworn by respondent No.1, stating that after the order of acquittal was passed by the trial Court there was compromise between the parties and the

complainant-wife resumed cohabitation with the husband and, thereafter she gave birth to 2 children. The birth certificates of the 2 children are annexed to this affidavit. Further, election identity cards which were issued in 1994 are also annexed. It is stated that the respondent No.1 and the complainant are happily residing as husband and wife since last 10 years. The respondents have also annexed a copy of the affidavit sworn by the complainant dated 9.11.2003. The respondents have also annexed photograph of his family along with the complainant and her three children.

4. In view of this, it is not necessary to interfere with the judgment and order passed by the Judicial Magistrate, F.C., Khandala. Affidavit of respondent No.1 along with affidavit of the complainant is taken on record. Appeal is accordingly dismissed.